

OCTOBER 18, 2011

CITY OF TRINIDAD  
TRINIDAD, COLORADO

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, October 18, 2011 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor	Garduno, presiding
	Councilmembers	Aragon, Pando, Rino, Shew, Toupal, Velasquez

Also present:	City Attorney	Beatty
	City Clerk	Garrett
	City Manager	Gil de Rubio

The pledge of allegiance was recited.

**READING OF THE MINUTES.** Regular Meeting of October 4, 2011. A motion to dispense with the reading and approve the minutes as submitted was made by Councilmember Toupal and seconded by Councilmember Velasquez. The motion carried unanimously.

**PUBLIC HEARING.** 2012 Capital Improvement Projects Budget. Mayor Garduno declared the public hearing open and asked if anyone was present to speak. City Manager Gil de Rubio requested he be allowed to go over and explain a few things. First he advised that pages 80 and 81 of the draft budget should be discarded altogether as they were included inadvertently. The last page of the draft budget should be page 79. He advised that with this public hearing they are specifically discussing pages 78 and 79, as well as the handout at their seating places entitled Downtown Improvement Grants. He called Council's attention to the handout list of downtown improvement grants with City matching requirements. He said it is not a number match, primarily because when they put the budget together he was planning on about \$175,000 and this itemized list comes to \$180,000. City Manager Gil de Rubio then called to Council's attention page 78 which indicates the 2012 projected sales tax receipts in the amount of \$1,244,495. Referring back to page 79, he said the projects are outlined and pointed to the key item for this hearing, the new appropriations column. He said following the project column the 2011 projects are listed and their projected expenses as well as the estimated re-appropriation and project transfers, etc. Under new appropriations there is a total budget for each line item. Account 901, line item 7301, land acquisition, shows \$300,000 in new appropriations. He explained, detailing on a map, that he would like to acquire additional land in the vicinity of the recently completed Elm Street Project to enhance the whole area to provide added recreation and improve the river front, working with the state, and attract private retailers into the region. He pointed out on the map the land area owned by the City and that which he'd like to see the City purchase as well as that owned by the County. He said he's had discussions with the County Administrator regarding the possibility of the County transferring that property to the City in lieu of extending the water line for the three-inch water tap to the County airport. He continued that the \$300,00 would be used for land acquisition in that area. The City's property is mostly in the flood plain and can only be used for recreation development. The City would embellish the river trails and river front and can work with private investors to attract retailers. He has received an expressed interest from retail firms to locate in that area. He pointed out in that same column \$200,000 for the renovation of municipal buildings and said that is a very important line item. As reported in previous meetings, the City recently had a report done by two engineers retained by CIRSA (following the earthquakes). The engineers spent three to four days going through the City's buildings and the report yielded findings that most of that \$200,000 is going to be needed for repairs to some of those buildings. He continued that there is an allocation of \$500,000 for 2012 for paving and seal coating and approximately \$70,000 for demolition of dangerous buildings. There is always capital money on hand for that purpose. City Manager Gil de Rubio referred back to the handout and explained that it was prepared by the City Planner and those potential allocations are for the City's share for downtown improvements for grants that the City has either already acquired or grants that the City will be applying for, the biggest part of which is in the downtown infrastructure. He announced to Council that the City has received notice that it will be the recipient of the CDOT grant for ADA accessibility improvements to downtown crosswalks, sidewalks, paving, trees, etc. It is a \$552,000 project with the City's cash share being \$150,000. This project will be done in 2012. He called upon City Planning Director Louis Fineberg to provide Council with additional grant details. City Planner Fineberg told Council that the City will be applying for two planning grants for the trail system, the Old Sopris Connector Trail planning grant for a trail from down town to Trinidad Lake State Park roughly following the Old Sopris Road. The grant will be to figure out the route, what will be needed to acquire land, the engineering of the trail and the sequence of events to accomplish the trail. The second is a river survey planning grant to figure out who owns what property along the river, which is largely privately owned, to then turn the river into a recreation area or other uses for the City. The CDOT downtown infrastructure historic district loop grant has an actual City match of \$200,000, however \$50,000 will be in-kind services and \$150,000 will be cash. Finally, he said the Monument Lake planning grant is a grant to the State Historic Fund to create construction documents for renovation of the fish hatchery and zoo at Monument Lake. He surmised that those are the grants the City has acquired and the ones the City will be applying for over the next year, for which the City will need funding if successful. Councilmember Rino asked for clarification as to which grants have been secured. City Planner Fineberg said the Historic District Loop grant from CDOT has been awarded so far. Councilmember Rino asked if the applications have been submitted for the trail grants. City Planner Fineberg answered that they have not yet but will be. Councilmember Rino asked about the Monument Lake grant. City Planner Fineberg said it will be submitted next April. Councilmember Rino asked the total in carry over and that in new appropriations. City Manager Gil de Rubio answered it is roughly \$2.9 million. Councilmember Rino asked if there are projects not completed; approved by previous Councils, but not completed and that money is totaling into it. City Manager Gil de Rubio answered affirmatively and said there is \$1.2 million of the \$2.9 million that is new money. The balance or carry over is going into approved projects. City Attorney Beatty recalled that the City's Tourism Board and City Planner Fineberg worked hard on a way-finding signage plan for the City and produced a great plan. Upon review, they have realized that Tourism Board dollars can't be appropriated to the bulk of this project. He asked if there are any CIP funds being allocated to this end. City Manager Gil de Rubio answered that he and Pat Patrick have been talking about it and how to pursue it. Mr. Patrick addressed Council and advised that he understands part will fall under the CDOT grant. He also asked that the Planning, Zoning and Variance Commission be recognized for the way-finding signage project as well as the Tourism Board because they both worked on it. City Planner Fineberg elaborated that

there is an amount in the CDOT grant budget for signage that overlaps the target downtown area. City Manager Gil de Rubio added that it is not enough money for the whole project but is a good kick start. Pat Patrick further added that it completes priority #1 in the plan as he understands. City Manager Gil de Rubio said he has asked Mr. Patrick to order some more brochures because he thinks it is important to get them out. Councilmember Pando asked for clarification that the whole \$2.9 million dollars in projects has already been approved. City Manager Gil de Rubio said the carry over money for existing project has been and it is for things the City has been working on. The \$1.2 million is new appropriations of the \$2.9 million; the difference is carry over for existing projects, or \$1.7 million. Councilmember Pando recalled that there had been a question among Council as to the approval of the 56 Flag Memorial project. City Manager Gil de Rubio reminded that the funding in the budget is carry over from this year's budget. He added that the City's received donations for the project. Councilmember Pando said only about \$15,000 to \$20,000. City Manager Gil de Rubio said it was between \$25,000 to \$30,000, up to \$35,000 maybe. Councilmember Pando said that's a long way from the \$154,000 total. Councilmember Rino asked about line item 7440, renovation of municipal buildings, and asked which buildings that money is earmarked for. City Manager Gil de Rubio described the line item as a floater. He said from the CIRSA report the City learned that the band stand at Kit Carson Park needs drastic improvements as well as the bleachers at the baseball field. He said we'll be trying to get insurance money for them. Also the Elm Street garage/building is in bad condition. The money is used depending on the need of the building as it arises. He reminded that the City has a formidable engineering study of its buildings. There is a lot of maintenance that has to be taken care of. Councilmember Rino said he'd like to see a price on a City maintenance facility and a Parks maintenance facility, and suggested maybe the \$200,000 can go towards that. He said Council should earmark what they want to spend that money on. City Manager Gil de Rubio said in the past its been used for work that needed to be done as it came up, pointing out that it was used for capital improvements and not expenses. He said he'd give Council a shopping list. Councilmember Rino asked if the Colorado islands have been taken off of the list. City Manager Gil de Rubio said that is an issue in addition to the buildings and is of great interest. However, some issues came to the surface with the project, including utilities and Dutch Elm trees. It has to be dealt with but for now they are putting the project to the side and maybe in 2013 or 2014 the City might find funding for the trees and to renovate the boulevards. Councilmember Rino suggested the \$150,000 would be a start and that's why it's there. He added that he thinks it is a valuable historic property. City Manager Gil de Rubio said maybe the tree work can be done. Councilmember Rino said the road can no longer be repaired because the asphalt is above the curb just about in some sections. We need to figure out how to put some money aside and how to fix it, whether it has to be ground down. City Manager Gil de Rubio said that with \$500,000 he thought the City comes to a limit with shimming roads. We'll need to start doing some grinding, recognizing the budgetary constraints. Councilmember Rino suggested they should also take a look at the courthouse asphalt, realizing the extensive nature of the project. He suggested perhaps the City could do one side at a time, east or west side, and the following year do the other one. City Manager Gil de Rubio said by all means if there's money available they'll have work done. He said from what he understands lottery money will be increasing to municipalities. DOLA and State Historical funds will also trickle back to cities with the completion of State buildings. Trinidad is on the cusp and especially the way we are presenting ourselves to the State. In 2012 to 2014 all that money should trickle back to the cities. City Manager Gil de Rubio said he'd like to get plan documents in order so that when funds are available Trinidad is right there ready to go and have a lot of leverage to acquire the funding. Infrastructure is important and whatever money we have will be put into roads. He said he is a proponent of doing the job the right way. The City also needs to look at the way it gets its revenue. Sales tax has been hit hard over the years and he's looking at ways to embellish sales tax. He said he's also looking at property tax especially from people who live out of state and see if there is a way to restructure the tax. \$1.2 million is what the City has to work with now and it is a great kick off. Councilmember Rino asked if there are any buildings in mind with the line item allocation for demolition of dangerous buildings. He pointed to a building downtown that sustained a fire four or five years ago whereby construction work was started and then stopped. He said it is not that he wants the building torn down but he thinks there should be a time limit when something needs to be taken care of. City Manager Gil de Rubio said he and City Planner Fineberg, Public Works Director Valentine and Building Inspector Kelley have been up and down the streets in town and they need to come to terms on a priority list. They've heard estimates on costs just to get these buildings sound, realizing it's up to the property owners, but some responsibility falls on the City to at least make sure the property owner is doing his/her civic duty. That's why he mentioned added property tax to out of state owners. They should pay a higher tax rather than locals. He continued that he feels the City is going to have to make some tough choices in the next five years on some of these buildings. Structurally some have really gone over the line. Whether the property owners can get grant money or loans in these tight times is critical. The City had engineers here going through the buildings and state regulators and he added that the City has a very good rapport with those owners. The City is establishing a bridge between the City, the State, and the private property owners. It is hoped we can get things turned around to get additional revenues into the spending stream so that some of these buildings can be taken care of. He concluded that this is a small amount of money for demolition, but the City has to have some money for emergencies in case a situation arises. Councilmember Shew asked regarding the downtown improvements line item what projects are being looked at. City Manager Gil de Rubio referred to the handout for the list of projects. Councilmember Shew asked if there's any allocation for the trees on the sidewalks. City Manager Gil de Rubio said there's some money for that purpose in the CODT grant. Councilmember Rino asked about the brick street renovation around the courthouse building. He noted that there had previously been \$115,000 in the budget for some of that work. City Manager Gil de Rubio said the City can do something with that money and upon inquiry said that funding is still in the budget as carry over funding. He pointed out that the project is major and that what can be done depends on what is underneath the bricks, but they can do something. Concrete work has to be done. Councilmember Shew recalled that there was a concern with runoff. Public Works Director Valentine confirmed that there is a bit of a drainage issue because of the middle asphalt portion and the two brick crowns on the sides of the street. It would require some engineering. Mayor Garduno asked what the \$115,000 would cover. City Manager Gil de Rubio answered that it would cover very little. Mayor Garduno suggested Council would have to appropriate more money. Councilmember Rino said he doesn't want to take any of the \$500,000 funding away from paving. City Manager Gil de Rubio agreed, adding that the City will need every penny if we do any grinding. Mayor Garduno called upon anyone in the audience to speak. Margaret Apodaca addressed Council. She commented that there's a lot of vehicle damage and potholes in the City but her main concern is the disrespect to the brick streets. When repairs are required to water lines, etc., the bricks are removed from the street and allowed to sit on the side of the road for weeks, sometimes months, and then not put back. The streets are repaired with road base or asphalt instead and it deteriorates quickly. She said she took her concern to PWD Valentine when it happened near her house because she saw that the bricks were allowed to sit at the side of the street and a considerable number of them disappeared. The street is repaired but the bricks were not put back. She said she saw that all over town. If money is an issue and the City has the bricks, why not use them? She reminded that the brick streets are a real selling point for tourists. She reiterated that the streets should be

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repaired with the bricks already there. She said she understands that once the repairs are made it needs to sit to settle, but asked why the bricks are allowed to sit and are not re-used she doesn't understand. She suggested they are instead being sold in art galleries or for paving someone's sidewalk. Ms. Apodaca then said she has watched over the years how Colorado Boulevard (Avenue) has been repaved but after the water system being set so it falls onto the pavement day after day it causes deterioration. A regular water stream runs down the curb and deteriorates the street; it's resurfaced and deteriorates again. Another real bad area is First and Second Streets. A lot of repairs have been made and repaired with road base or asphalt that has later sunk. Both streets are in real poor condition. She said she knows the City aims at attracting new businesses and tourists and making Trinidad an art Mecca – when people come we want to project a good image. If you enter the City from the west, as soon as you hit the city limits there are overgrown weeds. It is very unattractive. She said Main and Commercial Streets are attractive, but past Oak Street on Main Street there are the weeds again. If you want to get back on the highway and head north, back on Linden Avenue there's places the weeds are up to three feet tall. The weeds have been over the years allowed to grow and dry and dry weeds are a real fire hazard. She acknowledged that Capital Improvement money is always set aside for road repairs but said consideration needs to be given to continuous repair of the streets that have been repaired with road base. She thanked Council for allowing public input. City Manager Gil de Rubio agreed that First and Second Street are shot. He said he thinks a lot of the shimming they spoke about contributes to potholes because it is upsetting the drainage. He said there too they need to grind and get the street back to the proper grade and we'd see elimination of a lot of that. He also agreed with Ms. Apodaca regarding the weeds and said the City has made a conscious effort to get out and address the problem. The Mayor had issues with the trails and the Parks Department tried to get out there. The City has also had the inmates come and help and he assured her that the City will make a more conscious effort in the upcoming year. Ms. Apodaca said in the newly paved Elm Street area the weeds are also very high. Councilmember Rino said regarding First and Second Streets when they installed the gas line in the early 1950s they didn't save the brick and put concrete back in instead of brick or asphalt. It's difficult to remove that concrete now. He said two of the worst brick streets, are San Pedro and Ash to Fifth Streets. Both are in dire need of repair. They are solid brick all the way up. Ms. Apodaca said there have been two stacks of bricks at San Pedro and Topeka for two weeks and she's noticed the stacks are getting smaller. Councilmember Rino said the brick streets need to be preserved the right way and with dignity and not patch them up. City Manager Gil de Rubio said his goal would be to have a capital project map of the street showing where we are going and in what year on a rotation basis. He said he hopes they can do that in the next few years. Councilmember Rino said the City needs to put money away like was done for the swimming pool. We need to save money for three or four years and then do the project. City Manager Gil de Rubio reminded that the CIP will be up for a vote again soon. In the past year he said he incorporated an unofficial capital improvement plan for equipment with department heads. He suggested they need to sit down and see what approach they want to take with equipment and projects to renew the capital plan. Councilmember Rino said the City needs to show progress if people are going to vote for it again, such as they did with the swimming pool, Cimino Park, Elm Street, etc. He said he's not sure how many years are left, but reiterated the need to show progress. Phil Rico addressed Council and commended them for appropriating funds for the 56 Flag Project that's upcoming. He said he thinks the project will enhance our community. Mr. Rico told Council that in 2007 the Trinidad Community Foundation engaged in a river cleanup. They joined with Comcast in the efforts in 2008 and it is has since been an annual project. In 2009 the fishing people got involved and are going forward with a project to enhance the river bottom. He also commended Councilmember Frank Shew for having the vision of the 56 Flag Project. Mr. Rico concluded that we need to remember that Trinidad is the entrance not only to Trinidad but to Colorado and we need to make a statement. He said he feels the project will really enhance visitation especially with the new highway. It is all coming together with the new highway, Cimino Park, the river project and the flag project. The flag project will contribute to the betterment of our community. Carmen Sandoval addressed Council and asked about line item #7476 for the Water Works Building. He noted that even those there is no new appropriation, there is about \$226,000 still in the budget for it. He asked how much City money has been invested up to now. Councilmember Aragon identified in the budget \$226,632. Mr. Sandoval asked what the plans are for that building. City Manager Gil de Rubio said the plans are to complete the grant to stabilize it. The interior still has to be done. There are no immediate plans as far as putting more funding into it. The City will probably have to wait and try to get more Historical Fund money. Councilmember Sandoval asked if it is on hold. City Manager Gil de Rubio answered that the grant money is being completed to finish the outside of the building and the contractor should be done in a couple of months. There is no City money allocated in the budget for this project in 2012, just carry over money previously invested. Mr. Sandoval asked about pages 80 & 81 of the draft budget. City Manager Gil de Rubio asked him to discard them altogether as they were mistakenly included. Bill Winter addressed Council to comment on the land acquisition funds for the Elm Street project. He urged Council to approve the funding because there is private property for sale in that area. He said he otherwise sees a potential set back if the City were to start developing with the land the City owns, and we then get a hotel and retail outlets, and these private land owners continue to hold onto their land, it will start to drive the price up. He said Council can protect the prices of the property to continue to develop that area. He provided an example scenario of the property price being driven up and said it would thwart any type of development in that area. Councilmember Rino asked if the City has been contacted by anyone in that area. He said someone has purchased property north of the river. City Manager Gil de Rubio said he has been informally working with a commercial realtor who since the highway project completion has been interested that area. Councilmember Rino asked if there was interest in the old City Garage and the soccer field. City Manager Gil de Rubio said the garage is essentially worthy of a bulldozer right now. That whole complex is going to have to be moved and closed but the City has to relocate the personnel. Councilmember Rino re-asked if anyone has contacted him to purchase it. City Manager Gil de Rubio advised no one has. Kim Schultz, Executive Director of the Chamber of Commerce, addressed Council in support of the 56 Flag Project. She said the City is seeing a lot of support from private businesses in the community. She said she also sits on the Board of the Trout Unlimited, Purgatoire River Anglers, and they are looking at starting their demonstration project for the first section of river through town. The vision is that they can enhance our community with fishing in the City limits and bring different tourism opportunities to our community. Trinidad is the gateway City and we need to show that support in that arena. She said many times at the Chamber or Welcome Center where people will arrive in town and those entities need to point them somewhere in town for something to do in an off-season time frame. The park system and river walk are areas that we need to be growing because it can be used any time of year. It is also really important for the aesthetics of the community. Ms. Schultz concluded that she really hopes Council continues supporting this project. City Manager Gil de Rubio revisited Councilmember Rino's last question and said right now no one has approached him regarding the property. The City will take the property we own and the property he hopes to acquire and develop it for recreation in the floodplain. At some time it will behoove the City to sit down with private investors to look at the whole vision of that area and take it from there. He reiterated that no one has approached him right now. Pat Patrick, Tourism Board, told Council that at a recent work session they heard from Councilmember Shew who opened their eyes to the 56

Flag Project because their impression was that it was just flags. At the end of his presentation they recognized that it was part of the Tourism Board's vision to attract tourism to Trinidad along with the way-finding signage program. He encouraged Council on behalf of the Tourism Board to support the project and allow the re-appropriation of funds to remain budgeted. He reminded that Tourism Board funds can't be used on capital equipment but the Tourism Board is prepared to commit to funds for the project's maintenance. Steven Kelly, Manager and Director of the Economic Development Office, addressed Council to state that his office supports the 56 Flag Project and can see how it will help the economy. He advised that he is also a Tourism Board member and said he wished to echo Ms. Schultz and Mr. Patrick. Mayor Garduno ascertained that no one else wished to speak and closed the hearing.

2012 Annual Budget. Mayor Garduno declared the public hearing open and called for comments. There being none, the hearing was closed.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** None.

**REPORT BY CITY MANAGER.** Colorado Welcome Center quarterly report. Tara Marshall addressed Council and provided them with a written report and then reviewed the details of said report. She reminded Council that the Welcome Center runs on the State's fiscal year starting July 1<sup>st</sup>. Consequently they just closed first quarter. Ms. Marshall told Council that the State Tourism Office lays out the parameters for which she is responsible. The first is visitation. She said her goal this year is to see 70,500 visitors. This goal hasn't been increased in the past four years mainly because they haven't hit that goal in the past five to six years. She suggested it may have something to do with the highway project. When they started their fiscal year on July 1<sup>st</sup>, visitation was down by 7% over the previous 12 months and down 10% over the previous six months. Therefore they are starting in a hole. She gladly reported that first quarter visitation is 1% up over the same period last year with over 26,833 visitors, which she thought was a really good start at 38% of their annual goal. She called to Council's attention the location data. She said that 43% of visitors come from Texas, pointing out how it was just stated that Trinidad is the gateway from the south and she felt these numbers really show that. She continued that 14% are from Colorado, 8% from Oklahoma and 7% from New Mexico. The four states account for 72% of the total visitation. Ms. Marshall said they have also started to collect zip code data and over 3,000 individual zip codes have been collected thus far. She said the majority of Texas visitors come from Amarillo with 233 collected. They are starting to get a picture of who is stopping at the Welcome Center. Zip codes with the highest number of visitors reported besides Amarillo included Lubbock, Texas, Edmond, Yukon, and Norman, Oklahoma all of which are smaller communities. With the Tourism Board's RFP out, this is the type of data interesting to look at. Ms. Marshall said internationally, Canadian visitors were highest in number. She recalled that Councilmember Rino asked earlier in the budget meetings about state funds and the possibility of increasing funding. She said she doesn't have the hard answer whether if they increase numbers the State will increase funds. If visitation doesn't increase it will be a difficult sell to make. Ms. Marshall told Council that Trinidad was one of the seven original Welcome Centers and those original seven are funded by the Colorado Tourism Office. There are now 11. The additional four are funded from their local areas. She said they certainly want to hit their visitation numbers so they can at least lay the ground work for an argument for additional funding. She continued that the State's second parameter is volunteers. She referred to section two of her handout. She said the State wants her to have 47 volunteers and she has actually had 48 for the past three months, although she wants to attain 60 as that what her current volunteers tell her are necessary. The State agreement requires her to provide for ten volunteer events per year and some training. Ms. Marshall said they will take trips and added that she's begun to treat the volunteers as a 'board of directors' and has given them leeway and asked for feed back as to how they want to spend the \$6,000 allowed for the events. She said they can easily spend \$4,000 on a two or three night trip with a small number of volunteers, but the volunteers would like to see more local things that more of them can attend. She told Council about a recent Fox Theatre trip and they will have a pizza party next month. On August 23<sup>rd</sup> they took the trolley and stopped at the galleries and museums. What happened thereafter was that she noticed the volunteers would recommend new places to visitors. The goal is to do two tours through the City and one out in the County. They want to spend more time and volunteer enhancement money locally. The balance of the money will determine their study tour will be. She asked Council to thank the volunteers for what they do because it is a great contribution to the community. Ms. Marshall said a goal that she and City Manager Gil de Rubio set was for her and Assistant Director Carol Patrick to be more visible in the community and look for ways to collaborate. The reason they are doing this is because a lot of the information they are talking about tonight has always been there. It may be a way to enhance Trinidad and tourism. She pointed to the list of groups they shared this report with or they are work with. She exemplified that they are sharing their zip code reports with the Chamber's report and then they'll get a good idea about who is requesting information about Trinidad. She added that in the Tourism Board meeting it became obvious that rather than sending the tourism trailer to Lamar they should instead send it to Amarillo because of the numbers they are seeing. City Manager Gil de Rubio interjected that the data collected is highly relied upon by retail executives; they hang their hat on this type of data. It will be very helpful to have the Welcome Center working with the Chamber of Commerce. Ms. Marshall said that a recent Economic Development board meeting, a member of that board is also the Finance Director at the hospital and he told her they can use this information to recruit doctors. She said the point of interfacing the information, those entities will each know how to use it best for themselves. She continued that the State agreement also stipulates that she is to attend four different events including the Governor's Conference on Tourism, which was held September 21<sup>st</sup> through 23<sup>rd</sup> in Loveland. Former Senator Al White who is now the Director of the Tourism Office opened the conference, during which he mentioned Trinidad. He said that tourism is larger than the ski area and larger than the Denver Metro area and he referenced his trip to Trinidad when he came down this last June for the Welcome Center's anniversary party. He spoke about how charming the town was and how we need to spend more time recognizing that tourism isn't just the central part of the state. There are a lot of destinations in Colorado that offer something different. Ms. Marshall said when the State Tourism Office in trying to evaluate and identify the trend, they identified two areas they feel are very important – heritage tourism and argi-tourism. She said she feels Las Animas County and Trinidad are perfect for those two types of tourism. She said she'd like to see the State's plans to try to participate in some of their marketing or get state funds. Ms. Marshall provided Council with some statistics. She said that tourism in Colorado in 2010 yielded \$14.6 billion. Tourism supported 136,900 jobs and was responsible for \$3.9 billion in earnings. Colorado tourism was only one of two states that increased in 2010. Florida was first and Colorado second and it was by 8.4% over the previous year. When the overall picture was showing a general economic decline, our tourism was increasing. Overseas travel to Colorado increased 11.8% in 2010, rebounding from 2009 when it was down. There was \$750 million generated in local and state taxes, which represents approximately \$395 of tax revenue per household not paid by Colorado residents. Colorado was able to generate that much from visitors. She continued that county data obtained reported all 54 Colorado counties and tourism dollars from

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1996 to 2011. Of the 54 counties, Las Animas county was 30<sup>th</sup> and the only one along the southern part of the border except Durango that saw over \$25 million. Las Animas County travel related dollars were estimated at \$32.1 million; \$11.3 million in earnings and for 640 jobs which brought \$800,000 in local taxes and \$700,000 in state taxes. The data was collected mostly from sales tax receipts from transportation, lodging, food and recreation. She concluded that she hopes to increase the numbers and if so we can hope for a happier picture down the road. Mayor Garduno thanked Ms. Marshall for the update and all of the work she does and complimented her on the great information provided. She added that she seems very busy and appreciates the enthusiasm she shows. She asked her to please take back Council's thanks to the volunteers for their work. In closing, Ms. Marshall said of all of the groups she works with, the veterans are close to her heart, adding that her grandfather fought on the front lines in France in World War II. She reminded that November 11<sup>th</sup>, Veterans' Day is approaching and that McDonald's will again offer a free breakfast for veterans from 7:00 a.m. to 9:00 a.m. Following the breakfast at 10:00 a.m. there will be an unveiling and dedication of a new World War I memorial at the Welcome Center. She told Council she hoped they could attend and said Mayor Garduno will open the event. Finally there will be the Veterans' Committee annual veterans' luncheon at 11:30 a.m. at Sebastiani Gym.

**ARPA meeting.** City Manager Gil de Rubio advised Council of an ARPA teleconference meeting held this past Thursday. He said the situation in general is not good with the boiler. The plant is operating at 75% of generation and nitrous oxide, carbon and sulfur emission are able to be met on an individual test basis, however, they could keep the required emissions sustainable. The group requirement of emissions, the blend of all three, was not able to be met with Title 5 and State requirements. Even with the individual levels that were met, sustainability was not possible. They have to be sustainable for 48 to 72 hours, holding the emission requirements. He surmised that after the 75% generation they cannot meet emission requirements individually or as a group. He reminded Council that the plant was designed to run at 80 to 85% generation. The 75% generation represents a substantial decrease in revenues. Rick Rigel, Interim General Manager, says he feels they cannot meet emissions as a group without additional equipment or work on this unit. If generation is at 75%, ARPA will have to adjust its budget for the lost generation. He asked Council to recall that when he submitted the budget for the Power & Light budget he made reference to the fact that it reflected 3% increase to the base rate for ARPA. City Manager Gil de Rubio said if they have to do an equipment adjustment the 3% is on the low end of the spectrum. At this time the ARPA Board doesn't know how much more of an increase will have to be made for the ARPA budget. They are also still looking for an outside power contract, talking to two wholesale providers. However, he said there are issues on ARPA's creditworthiness. Those issues will be reflected in the ARPA budget down the road at some point. City Manager Gil de Rubio reminded Council that ARPA's contract with MEAN expires in February. He announced that on October 25<sup>th</sup> Nan Winter will address Council on these issues. Some areas of concern include the amount of a security deposit ARPA has to come up with which will obviously be passed on to its members. He said the City administration feels that the City has made timely payments to ARPA, however ARPA hasn't paid MEAN timely. Why should Trinidad be penalized for ARPA's mismanagement? He also reminded Council that the monthly ARPA meeting will be held on October 27<sup>th</sup> in Trinidad at Mt. Carmel at 10:00 a.m.

**North Lake.** City Manager Gil de Rubio announced that the North Lake project was ratified by the Arkansas Basin Round Table. They will recommend the project to the Colorado Water Conservation Board. The meeting is set for March for the \$780,000 grant/low-interest loan for the project.

**REPORT BY CITY ATTORNEY.** Next regular meeting. City Attorney Beatty advised Council that because of the election on November 1<sup>st</sup>, their first regular meeting in November will instead be held on Wednesday, November 2<sup>nd</sup> at 7:00 p.m. He pointed out that this change of meeting date is dictated by Section 2-13 of the Code of Ordinances.

**Proposed Charter Amendments.** City Attorney Beatty reminded Council of the City's two proposed Charter amendments being submitted to the electorate on the November ballot, regarding elected officials' candidacy and term limitations. He encouraged Council members to talk to their constituents, whether for or against the issues, to inform them about the proposed amendments and if they have any questions they can be directed to City staff.

**Recycling.** City Attorney Beatty reminded Council of ReGroup's upcoming recycling event this weekend, Friday, October 21<sup>st</sup> from 8:00 a.m. to 6:00 p.m. and Saturday, October 22<sup>nd</sup> from 8:00 a.m. to 12:00 p.m. at the Waste Connection facility at the Trinidad Industrial Park. He also reminded that the City funds the recycling efforts and they have been highly successful. He expressed his appreciation for ReGroup's efforts, Diane Hess and Devon McFarland.

**SCRT.** City Attorney Beatty told Council that he is a member of SCRT's Board and SCRT has been reinvigorated with the return of Fred and Harriet Vaugeois. They are hosting a production entitled "Golden Dragon Acrobats" at Trinidad Middle School this Thursday at 7:30 p.m. and said they need to sell tickets.

**City Manager Evaluation Clarification.** City Attorney Beatty reminded Council of the request he received to obtain a second opinion regarding a question that arose concerning the City Manager evaluation. He said he contacted CIRSA's General Counsel Tami Tanoue as well as CML's General Counsel Geoff Wilson for their legal opinions. He said both are tenured and well-respected attorneys. City Attorney Beatty advised that they affirmed his advice to City Council. They must comply with the Colorado Open Meeting law and the Home Rule Charter doesn't supersede the Open Meetings Law as it regards the City Manager's request to hold an open session for his evaluation pursuant to State Statute. Further, the City Manager's employment agreement doesn't affect a waiver of his right for an open session evaluation. The language in that agreement was derived from the City's Home Rule Charter when it was drafted. He concluded that he is not taking sides, but rather seeking to minimize the City's exposure to liability.

**COMMITTEE REPORTS.** None.

**UNFINISHED BUSINESS.** None.

**MISCELLANEOUS BUSINESS.** Tavern liquor license renewal request by Trinidad Lanes, LLC at 823 Van Buren. A motion to approve the tavern license renewal was made by Councilmember Rino and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.



3.2% Beer Retail License (Off-Premises) renewal request by JR's Fuel Stop, Inc. d/b/a JR's Fuel Stop 810 at 731 E. Main Street. A motion to approve the renewal was made by Councilmember Aragon. Councilmember Shew seconded the motion, which upon roll call vote carried unanimously.

3.2% Beer Retail License (Off-Premises) renewal request by JR's Fuel Stop, Inc. d/b/a JR's 811 at 105 E. Colorado Avenue. Councilmember Velasquez moved for the license renewal and Councilmember Rino seconded the motion. Roll call was taken, and the motion carried unanimously.

Special events permit request (malt, vinous and spirituous) by Mount Carmel Health, Wellness & Community Center at 911 Robinson for November 5, 6, 11, 12, & 13, 2011. Scott Candland, Chief Operating Officer for Mount Carmel, addressed Council. He advised that Mt. Carmel will be hosting several SCRT productions. There will be dinners with theatrical productions. Also they will be the home for SCRT's small productions throughout the year. There will be at least four presentations by the theatre company hosted at Mt. Carmel. Additionally, they will also host some musical events, concert series, Christmas programs and other events throughout the year. Councilmember Rino asked the capacity. Mr. Candland said they the theatre and mezzanine can hold 85 to 90 people and 60 in the chapel; 25 to 30 in the upstairs of the mezzanine and up to 96 in the hall. A motion to approve the permit request was made by Councilmember Rino and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

Consideration of Contract Amendment #2 between the City and Colorado Department of Local Affairs for the Trinidad Old Stone Water Works Building. Councilmember Aragon moved for the approval of the contract amendment. Councilmember Shew seconded the motion, which carried unanimously upon roll call vote.

Consideration of Third Amendment to Agreement between the City and Southern Colorado Construction, Inc. A motion to approve the Third Amendment to Agreement was made by Councilmember Aragon and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

First reading of a supplemental budget ordinance identifying and appropriating a previously unanticipated revenue source for the Capital Projects Fund for the fiscal year beginning on January 1, 2011, and ending on December 31, 2011, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Aragon and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on Wednesday, November 2, 2011 was made by Councilmember Shew and seconded by Councilmember Toupal. The motion carried unanimously upon roll call vote. Councilmember Rino questioned when the Veterans' Memorial Park will be done. City Manager Gil de Rubio answered that his understanding is the granite is in from China going through customs and Public Works Director Valentine said he believes they are putting the finishing touches on the eagle. He predicted that it may be finished in a couple of weeks. Councilmember Rino asked who will be responsible for the flags. Public Works Director Valentine said those are also ordered, a United States, POW and Colorado flag. Councilmember Rino commented that he had hoped the park would be done by Veterans' Day and recognized D. Lee Phelan for his continuing contributions to the veterans.

#### ORDINANCE NO.

#### A SUPPLEMENTAL BUDGET ORDINANCE IDENTIFYING AND APPROPRIATING A PREVIOUSLY UNANTICIPATED REVENUE SOURCE FOR THE CAPITAL PROJECTS FUND FOR THE FISCAL YEAR BEGINNING ON JANUARY 1, 2011, AND ENDING ON DECEMBER 31, 2011

First reading of an ordinance amending Chapter 14 ("Planning and Zoning"), Section 14-100 ("Off-Street Parking") of the Code of the City of Trinidad, Colorado, to accommodate possible reductions in the required number of parking spaces for mixed-use developments, and setting a hearing date for consideration of said ordinance. The ordinance was introduced by Councilmember Aragon and then read aloud in its entirety. A motion to approve the ordinance on first reading and consider it further at a public hearing at 7:00 p.m. on Wednesday, November 2, 2011 was made by Councilmember Shew and seconded by Councilmember Toupal. The motion carried unanimously upon roll call vote.

#### ORDINANCE NO.

#### AN ORDINANCE AMENDING CHAPTER 14 ("PLANNING AND ZONING"), SECTION 14-100 ("OFF-STREET PARKING") OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, TO ACCOMMODATE POSSIBLE REDUCTIONS IN THE REQUIRED NUMBER OF PARKING SPACES FOR MIXED-USE DEVELOPMENTS

**BILLS.** A motion to approve the bills was made by Councilmember Shew. The motion was seconded by Councilmember Aragon. Roll call was taken on the motion. The motion carried unanimously.

**PAYROLL,** October 1, 2011 through October 14, 2011. A motion to approve the payroll was made by Councilmember Pando and seconded by Councilmember Shew. The motion carried unanimously.

**ADJOURNMENT.** There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Toupal and seconded by Councilmember Shew. The meeting was adjourned by unanimous vote of Council.

ATTEST:

*Audra Garrett*  
AUDRA GARRETT, City Clerk

*Jennie Garduno*  
JENNIE GARDUNO, Mayor